THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No.22348 of 2002

-

Dated: August 12, 2005

-

Between:

Smt. Nunna Krishna Kumari

W/o. Veeranjaneyulu, aged about 35 years,

Member, Vidya Committee, Z.P. High School,

Tamarakollu, R/o. Tamarakollu,

Kaikaluru Mandal, Krishna District, and others.

… Petitioners

And

Chief Executive Officer, Zillaparishad, Krishna

Chilakalapudi, Machilipatnam, and others.

… Respondents

Order:

This writ petition is filed seeking Mandamus declaring the action of the respondents in proposing to shift the Zilla Parishad High School, Tamarakollu, from the present place to a

new place, as illegal and arbitrary.

2. Petitioners, who are members of the Vidya Committee state that in order to cater the educational needs of Tamarakollu village and other nearby villages, a Zilla Parishad High School was established on
29-09-1986 in the land donated by M/s. Gurajada Srirama Chandra Murthy. The petitioners state that the Zilla Parishad High School, which is housed in three acre piece of land, is centrally located and is convenient to the children of nine villages, who are studying in the said school. This apart, the donors of the land, after whom the school has been named, are ready and willing to donate some more land, for meeting the growing needs of the school. Though, the Government sanctioned a sum of Rs.12,25,000/- for the development of the present school, no steps for utilization of the said amount for developing the school have been taken by the respondents. However, for the reasons best known to the respondents, sought to shift the Zilla Parishad High School from the present location to some other place, and house it in a small piece of land, which is located in a busy thoroughfare. It is their case that if the same is shifted from the present place, it will cause lot of hardship and inconvenience to the children of the nine villages. On coming to know of the proposal of shifting, the petitioners state that they made several representations to respondent No.1 opposing the shifting in vain.

3. The main grievance of the petitioners is that though they made several representations to the respondents opposing the shifting of the school from the present place to some other place, yet respondent No.1 without taking the objections raised into consideration, is taking steps for construction of the school building at the new place, which according to the petitioners, violated the principles of natural justice inasmuch as, respondent No.1 had neither consulted the parents, students, nor invited any objections before proposing to shift the school.

4. Heard the learned counsel appearing on either side.

5. Location and housing of a school in a particular area depends upon various factors, namely, its proximity to the number of villagers, the number of children coming from different villages to study in the school, availability of the basic requirements in the area, spacious land, school building, playground, and its easy accessibility by different means of transport, etc. However, this is a matter of policy decision, and this Court in exercise of its jurisdiction under Article 226 of the Constitution of India, does not interfere in such policy matters, which are assumed to have been taken in public interest and the school going children at large.

6. The writ petition is accordingly dismissed. However, before proceeding to shift the school from the existing place to the proposed new place, the respondents shall consider the objections raised by the public and the parents of the school children. No order as to costs.

N.V. RAMANA, J

August 12, 2005

MRR